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C O N F I D E N T I A L SECTION 01 OF 02 JERUSALEM 000650

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SUBJECT: 35 STRUCTURES IN THE VILLAGE OF KHIRBET AL-AQABAH
FACE DEMOLITION

Classified By: Consul General Jake Walles, per reasons 1.4 (b) and (d)

¶1. (C) Summary: PolOffs visited the northern Jordan Valley, Area C village of Khirbet al-Aqabah for which there are impending demolition orders. Mayor Haj Sami Sadeq said the village of 300 has repeatedly sought construction permits, all of which have been denied. He said there are standing demolition orders against 35 structures, including the village mosque, health clinic, kindergarten, and a women's center. According to the orders, construction is not in accordance with the town plan, which was approved in 1952 under Jordanian authority and not updated since. Khirbet al-Aqabah's lawyer told PolOff that the High Court of Justice will hear the case April 17 after unsuccessful attempts to negotiate with the GOI out of court. The village is rumored but not yet confirmed to be on the list of 25 Area C town plans slated for approval announced by the GOI on March 31. End Summary.

¶2. (U) Khirbet al-Aqabah (pop: 300) is located in Area C in the Jordan Valley, southeast of Jenin. It is surrounded on all sides by an IDF firing zone. From 1967 to 2002, the IDF used the village and surrounding land for training. The Israeli High Court of Justice (HCJ) in a 2002 ruling ordered the IDF to close its training facility at the entrance to al-Aqabah, and the camp was evacuated in 2003. (Note: Al-Aqabah village council is made up of six Fatah members, including one woman, who were appointed in 1998. End Note).

35 Demolition Orders

¶3. (C) Haj Sami Sadeq, Mayor of Khirbet al-Aqabah, told PolOffs April 11 that the Israeli Civil Administration has issued 35 demolition orders since 2003 against homes and other structures in his village, including a kindergarten, mosque, medical clinic, and women's center for being built without a permit. Post has received copies of the demolition orders. Sadeq said al-Aqabah residents applied for building permits through the Civil Administration at a cost of 3000 USD per application, but all applications were denied. He said the Civil Administration replied that some of the building plans did not meet criteria specified by the Jordanian town plan for al-Aqabah, which was approved in ¶1952. Sadeq also said the Civil Administration refused residents' applications on the basis that their proposed plans are located in an IDF firing zone.

¶4. (C) Sadeq expressed concern about the possible demolition of the kindergarten and women's center, noting that 130 students from al-Aqabah, Tayasir, and Tubas attend the kindergarten and 51 women participate in center events weekly. He said the kindergarten was constructed by the American NGO "The Rebuilding Alliance," and second floor rooms were built with Japanese, Belgian, and Norwegian

funding.

Residents Face Unemployment and No Room for Expansion

15. (C) Sadeq said village unemployment is high. Al-Aqabah resident Sufian Hussni Ali Dabiyah told PolOffs April 11 that before getting married, he had applied to the Civil Administration for a building permit. When refused, he built his home anyway and moved in with his new wife. Shortly after, in May 2007, he received a demolition order. Sadeq said some 700 al-Aqabah residents have moved to nearby villages, like Tayasir and Tubas, in search of housing.

High Court to Hear Case

16. (C) Jerusalem attorney Elia Tusya Cohen told PolOff April 9 that he was hired by The Rebuilding Alliance to petition the Israeli High Court of Justice (HCJ) on behalf of eight al-Aqabah families contesting demolition orders for eleven structures, including eight private homes, a mosque, women's center, and kindergarten. After the petition was filed, the HCJ permitted him to negotiate directly with the Israeli Civil Administration. According to Cohen, the Civil Administration proposed freezing the demolition orders for structures built within a limited radius from the center of al-Aqabah, encompassing the mosque, kindergarten, women's center, and clinic. Cohen refused, since that would protect only three of the eleven structures, and a HCJ hearing date was set for April. Sadeq told PolOffs April 11 that only twenty percent of al-Aqabah's land falls within the proposed circle and at least 15 homes are located outside. Cohen told

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PolOff April 9 that al-Aqabah municipality has recently asked him to take on up to 20 more cases, but the village has no funds to pay (at some 2000 USD per case), and the current case is too far along in the process to add in extra cases.

Villagers hoping for international help

17. (C) Villagers told PolOffs April 11 that the execution of the demolition orders had been set for April 3, but was canceled when Cohen obtained a court date for two weeks later. Villagers said that previously, international intervention prevented demolitions in the village and pointed to Khirbet al-Aqabah's receipt of international development assistance from the UK (clinic), Belgium (kindergarten rooms), Canada (school roof), Denmark (kindergarten rooms), Norway (water treatment), Germany (road), Japan (water tanks), and USAID (cisterns) in addition to private NGO assistance.

WALLES